

DISCUSSION

“Whether to stay a case is a decision made in the exercise of discretion by the district court as part of its inherent power to control its own docket.” *Westfield Ins. Co. v. Weaver Cooke Const., LLC*, No. 4:15-CV-169-BR, 2017 WL 818260, at *2 (E.D.N.C. Mar. 1, 2017) (quoting *Sam Yang (U.S.A.), Inc. v. ENI Dist, Inc.*, No. 1:16-CV-2958-JKB, 2016 WL 7188447, at *1 (D. Md. Dec. 12, 2016)). Whether to grant or deny a motion to stay proceedings calls for an exercise of judgment in weighing the various, competing interests of the parties to an expeditious and comprehensive disposition of all claims. *United States v. Georgia Pac. Corp.*, 562 F.2d 294, 296 (4th Cir. 1977) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)).

Factors that may be considered in deciding whether to stay an action include the length of the requested stay; any hardship to the moving party if the action is not stayed; potential prejudice to the non-movant; and interests of judicial economy, including the potential avoidance of duplicative litigation. *United States ex rel. Aarow Elec. v. Cont’l Cas. Co.*, No. 1:16-CV-3047-ELH, 2017 WL 3642957, at *6 (D. Md. Aug. 24, 2017); *see also Westfield Ins. Co.*, 2017 WL 818260, at *2 (quoting *Sam Yang (U.S.A.), Inc.*, 2016 WL 7188447, at *3). Where a party seeks to stay discovery pending resolution of a dispositive motion, “[f]actors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion.” *Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL

516744, at *2 (E.D.N.C. Feb. 25, 2008) (quoting *Tilley v. United States*, 270 F. Supp. 2d 731, 735 (M.D.N.C. 2003)).

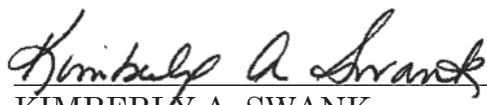
The balance of factors here weighs in favor of a stay of discovery. Defendant's motion to dismiss has the potential to terminate the prosecution of this action. Discovery does not appear necessary to the resolution of Defendant's motion, and no claim of potential prejudice has been lodged by Plaintiff.

CONCLUSION

In the interests of justice, the court GRANTS Defendant's motion [DE #13] and STAYS discovery in this matter pending resolution of Defendant's motion to dismiss [DE #9].

A Case Management Order setting forth discovery deadlines and pretrial procedures will be entered upon the court's disposition of Defendant's motion to dismiss, if appropriate. Within fourteen (14) days after the court's ruling on Defendant's motion to dismiss, the parties shall confer and submit, if appropriate, a Rule 26(f) report and discovery plan for the court's consideration.

This 18th day of September 2023.


KIMBERLY A. SWANK
United States Magistrate Judge